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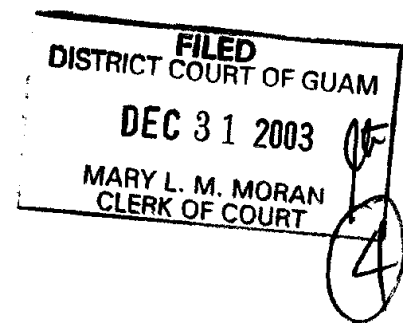
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Attorneys for Defendants

Citibank, N.A. (Guam) and Patrick Kehres



IN THE UNITED STATES DISTRICT COURT

FOR THE TERRITORY OF GUAM

THOMAS KOICHI NAKAMINE
dba TAKAI'S ENTERPRISE,

Plaintiff,

vs.

CITIBANK, N.A. (GUAM), PATRICK
KEHRES, individually, and DOES 1-10,
inclusive,

Defendants.

CIVIL CASE NO. CV 03-00047

**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
CITIBANK, N.A. (GUAM) AND
PATRICK KEHRES' MOTION FOR
ISSUANCE OF WRIT OF
CERTIORARI TO GUAM
SUPERIOR COURT FOR RECORD
IN REMOVED ACTION**

Defendants, Citibank, N.A. (Guam) and Patrick Kehres (the "defendants"), hereby move this Court pursuant to 28 U.S.C. § 1447(b) for issuance of a writ of certiorari to the Superior Court of Guam, commanding such court to bring to this Court, a true, full and correct copy of all records and proceedings taken and had in such court in the above-entitled action, on the following grounds:

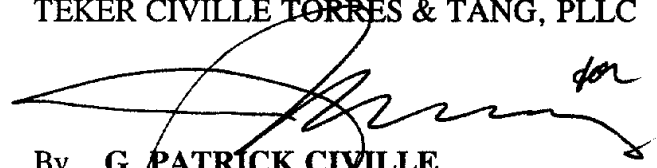
1. On or about December 12, 2003, an action was commenced in the Superior Court of Guam, entitled "Thomas Koichi Nakamine dba Takai's Enterprise vs. Citibank N.A. (Guam), Patrick Kehres, individually and Does 1-10 inclusive," Civil Case No. CV2085-03 (hereinafter, the "Action").

ORIGINAL

2. Defendants respectfully request, as authorized by 28 U.S.C. § 1447(b), that this Court issue a writ of certiorari ordering the Superior Court of Guam to produce all of the records in this case. *See* 29A Fed. Proc., L. Ed. § 69:107 (West 1998) (“A party seeking removal may be required to file with the clerk of the Federal District Court to which an action has been removed copies of all records and proceedings had in the state court. Alternatively, such material may be secured through the issuance of a writ of certiorari from the District Court to the state court.”); W.Schwarzer, A.W.Tashima, J.Wagstaffe, California Practice Guide: Federal Civil Procedure Before Trial, “Removal Jurisdiction” ¶ 2:987 (“Under 28 U.S.C. § 1447(b), the federal court can issue a writ of certiorari ordering the state court to produce all of the records in the case. In a case with voluminous files, counsel may wish to ask the court for such writ.”).

DATED at Hagåtña, Guam, this 31st day of December, 2003.

TEKER CIVILLE TORRES & TANG, PLLC


By **G. PATRICK CIVILLE**
Attorneys for Defendants
Citibank, N.A. (Guam) and Patrick Kehres